

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**PROCLAMATION RELATING TO
NOVEMBER 2024 RED FLAG FIRE CONDITIONS**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, Sylvia Luke, Acting Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, wildfires are high-risk threats to the people of Hawai'i, as shown by the catastrophic wildfire that destroyed the town of Lahaina in August 2023;

WHEREAS, dry brush is widespread throughout the State and provides a fuel source for future wildfires;

WHEREAS, even small wildfires may quickly intensify and expand to threaten entire communities, requiring widespread evacuations and government response;

WHEREAS, on November 14, 2024, the National Weather Service issued a Red Flag Warning which will be in effect from 10:00 a.m. to 6:00 p.m. on Friday, November 15, 2024 for leeward areas in all counties. Red Flag conditions are warm temperatures, very low humidities, and stronger winds that are expected to produce an increased risk of fire danger;

WHEREAS, it is critical that the State be prepared to rapidly deploy personnel and resources such as the National Guard to assist the counties whenever new wildfires ignite and threaten life, safety, or property; and

WHEREAS, it is also critical that the Major Disaster Fund be readily available to fund the government response to wildfires in the State;

NOW, THEREFORE, I, SYLVIA LUKE, Acting Governor of the State of Hawai'i, hereby determine that there is an imminent danger of an emergency or disaster and declare a state of emergency in all counties in the State of Hawai'i under section 127A-14, HRS. To allow maximum flexibility in the use of State resources to respond to wildfires whenever and wherever they ignite in all counties, I authorize and invoke the following emergency provisions, if not already in effect upon this declaration of an emergency:

I. Invocation of Laws

Section 121-30, HRS, and I hereby authorize the Adjutant General to activate such units of the Hawai'i National Guard as may be necessary to assist and aid civilian authorities in disaster relief and in averting any imminent public danger and threat and to ensure the compliance with the civil laws of the State of Hawai'i.

Sections 127A-12 and 127A-13, HRS, for county and State agencies to provide emergency relief and engage in emergency management functions as defined in section 127A-2, HRS, because of and in response to this event.

Section 127A-12(a)(5)(A), HRS, relating to alerts and warnings. The public is alerted that Red Flag conditions exist which create an extreme risk of fire statewide. The public is alerted to avoid outdoor activities that risk igniting wildfires such as burning, open flames, and "hot work" which includes, but is not limited to, grinding, welding, flame cutting, or other fire or spark-producing operations. The public is alerted to check with county authorities on any bans or restrictions relating to outdoor burning, open flames, and "hot work." Additional information regarding wildfire preparedness is available at <https://www.hwmo.org/ready-set-go>, county fire department websites, and the State Division of Forestry and Wildlife website.

Section 127A-12(b)(16), HRS, directing all State agencies and officers to cooperate and extend their services, materials, and facilities as may be required to assist in emergency response efforts.

Section 127A-16, HRS, by activating the Major Disaster Fund.

II. Suspension of Laws

I suspend the automatic application of section 127A-30, HRS, **rental or sale of essential commodities during a state of emergency; prohibition against price increases**, because the automatic application of this provision is not needed for this emergency. The invocations and suspensions of section 127A-30, HRS, contained in any other emergency proclamation are not affected by this Proclamation.

III. Severability

If any provision of this Proclamation is rendered or declared illegal for any reason, or shall be invalid or unenforceable, such provision shall be modified or deleted, and the remainder of this Proclamation and the application of such provision to other

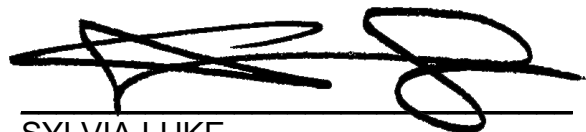
persons or circumstances shall not be affected thereby but shall be enforced to the greatest extent permitted by applicable law.

IV. Enforcement

No provision of this Proclamation, or any rule or regulation hereunder, shall be construed as authorizing any private right of action to enforce any requirement of this Proclamation, or of any rule or regulation. Unless the Governor, Director of Emergency Management, or their designee issues an express order to a non-judicial public officer, no provision of this Proclamation, or any rule or regulation hereunder, shall be construed as imposing any ministerial duty upon any non-judicial public officer and shall not bind the officer to any specific course of action or planning in response to the emergency or interfere with the officer's authority to utilize his or her discretion.

I FURTHER DECLARE that the disaster emergency relief period shall commence immediately and continue through November 18, 2024, unless terminated or superseded by separate proclamation, whichever shall occur first. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into, started, amended, or continued by reason of the provisions of the proclamation relating to this emergency shall continue in full force and effect.

Done this 14th day of November, 2024



SYLVIA LUKE,
Acting Governor of Hawai'i

APPROVED:



ANNE E. LOPEZ,
Attorney General, State of Hawai'i